

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2019 NOV 26 P 1:10

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA)
)
 v.)
)
 DAQUAN ANTHONY POINDEXTER,)
)
 Defendant.)

Case No. 1:19-mj-478

CONSENT MOTION TO EXTEND TIME FOR INDICTMENT

The United States of America, by and through its attorneys G. Zachary Terwilliger, United States Attorney for the Eastern District of Virginia, William Fitzpatrick, Assistant United States Attorney, and Anthony W. Mariano, Special Assistant United States Attorney, with the express consent of the defendant, Daquan Anthony Poindexter (“defendant”), and the defendant’s counsel, respectfully move the Court to extend the time to indict this case through and including January 14, 2020. In support thereof, the parties state as follows:

1. The defendant was arrested on or about November 14, 2019 on a criminal complaint charging him with knowingly making a false statement in relation to the purchase of a firearm, in violation of Title 18, United States Code, Section 924(a)(1)(A). On or about that date, the defendant made his initial appearance before the Honorable John F. Anderson, United States Magistrate Judge. On November 25, 2019, the defendant is scheduled to appear for a preliminary hearing before the Honorable Theresa Carroll Buchanan, United States Magistrate Judge.

2. The Speedy Trial Act requires that the defendant be indicted within thirty days of the defendant’s arrest after subtracting all excludable time. A conservative estimate of the indictment deadline is December 15, 2019. The parties jointly request an extension of approximately 30 days for an extension of the time to indict. Extending this time period for

approximately 30 days would be in the best interests of justice in that it would give the defense counsel an opportunity to meet with the defendant, to review discovery, and to discuss a possible pre-indictment plea resolution of the case.

3. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to file an indictment in this case through and including January 14, 2020. The waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, Title 18, United States Code, Sections 3161, *et seq.*, and with the advice and consent of counsel.

4. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the parties request that the time to indict this case be extended to and including January 14, 2020 and that the delay resulting from this extension be excluded in computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

Date: November 21, 2019

By: 

Anthony W. Mariano
Special Assistant United States Attorney
William Fitzpatrick
Assistant United States Attorney

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 11/25/19

Daquan Anthony Poindexter
Defendant Daquan Anthony Poindexter

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 11/25/19

[Signature]
Counsel for Daquan Anthony Poindexter